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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,926	01/22/2002	Douglas J. Hanchett	1831	4108
35157	7590	06/29/2005	EXAMINER	
NATIONAL STARCH AND CHEMICAL COMPANY P.O. BOX 6500 BRIDGEWATER, NJ 08807-3300			CORBIN, ARTHUR L	
			ART UNIT	PAPER NUMBER
			1761	

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Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 10/053,926  
Filing Date: January 22, 2002  
Appellant(s): HANCHETT ET AL.

MAILED  
JUN 29 2005  
GROUP 1700

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 11, 2005.

(1) ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2) ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of the claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection in the brief is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

4,874,628	Eden et al	10-1989
6,488,980	Jeffcoat et al	12-2002
4,784,871	Park	11-1988
6,017,388	Yuan	1-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 9 and 19 stand rejected under 35 U.S.C. 102(b). This rejection is set forth in a prior Office Action, mailed on July 6, 2004, paragraph No. 3.

Claims 10-15 stand rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on July 6, 2004, paragraph No. 4

Claims 16, 17, 26 and 27 stand rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on July 6, 2004, paragraph No.5.

#### **(10) Response to Argument**

Although none of Eden et al's specific examples use sago starch, as appellant recognizes, Eden et al clearly discloses a preference for using sago starch as a viable alternative to those starches used in the examples (column 6, lines 45-49). It is not necessary for Eden et al to recognize that sago starch is superior to other starches, despite appellant's contrary belief.

Appellant also contends that Eden et al does not specify appellant's claimed water fluidity range in connection with sago starch. Appellant's contention is without merit since Eden et al discloses a water fluidity range of 40-80 for "converted starches" in column 8, lines 30-68, and clearly discloses that sago starch is a preferred converted starch (column 6, lines 45-49).

Appellant further refers to Eden et al's list of converted starches (column 6, lines 45-49) as a "multitude of compounds". In this regard, it should be recognized that the 8 converted starches listed by Eden et al are a very limited number and do not constitute

a multitude of compounds that would teach away from selecting sago starch as the starch of choice.

Lastly, appellant argues that Eden et al does not increase the gel strength of a composition by addition of sago starch. Although Eden et al may not recognize that gel strength increases, such a result is obviously apparent since Eden et al's sago starch has the same physical characteristics, i.e. water fluidity, as appellant's claimed starch. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



ARTHUR L. CORBIN  
PRIMARY EXAMINER

A.L. Corbin  
June 24, 2005



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Any inquiry concerning this communication from the examiner should be directed to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can generally be reached on Monday--Friday from 10:30 to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.L. Corbin/dh  
June 24, 2005